

BENTON COUNTY GOVERNMENT  
COURTHOUSE  
706 E 5<sup>TH</sup> STREET  
FOWLER, IN 47944

The following schedule will be followed in the pursuit of permits from Benton County Government.

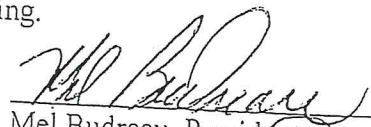
In order to clarify any concerns on applying for a permit through Benton County Government for a special exception the attached instructions for filing will be followed.

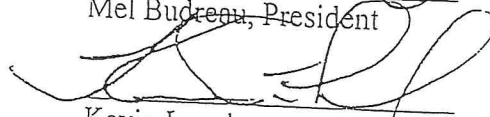
There will be no exceptions to this application process as has been the practice in the past. Any questions as to the expectations of the specific categories will be addressed to the responsible parties. These respective parties being the Benton County Commissioners and County Highway Superintendent for the Transportation plan. The Benton County Surveyor for all drainage questions, access road, ditch crossings, tile breakage, crane paths, trenching for connector lines etc. for passage of the Drainage Plan by the Benton County Drainage Board. Rule 5 questions concerning soil erosion problems will be addressed by the Benton County Soil and Water Conservation District. All other questions concerning inspection permits, health, and construction will be handled by the Building Commissioner of Benton County.

Assistance in obtaining contiguous landowner ownership information will be handled by the Benton County Surveyor's Office.

The persons initially responsible for your introduction to Benton County Government are the Benton County Commissioners, Benton County Council, Benton County Building Commissioner, Benton County Surveyor and Benton County Soil and Water Conservation District.

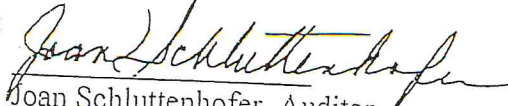
Once the above criteria have been met the application will go to the Benton County Advisory Plan Commission who will, upon passage, forward it to the Benton County Board of Zoning Appeals for a date of hearing.

  
Mel Budreau, President

  
Kevin Leuck

  
James Hassler

Attest:

  
Joan Schluttenhofer, Auditor

August 19, 2008

## INSTRUCTIONS FOR FILING APPLICATION FOR SPECIAL EXCEPTIONS

These instructions are intended to supplement the Application for Special Exception. Contact information for those people whose names appear in **bold print** are on the attached page of entitled "Benton County Officials." If you have questions which are not answered below, please contact the Benton County Building Inspector.

Applications for Special Exceptions may be obtained from the **Benton County Building Inspector**. At the time the Application is submitted, the applicant must pay a \$150.00 filing fee for each application, unless another fee is specifically established by the Benton County Zoning Code, which is to be made payable to the **Benton County Treasurer**.

The following items are to be submitted at the time the completed application is filed:

1. The \$150.00 filing fee per Application (unless another fee is specifically established by the Benton County Zoning Code.
2. Fourteen (14) copies of the Application for Special Exception, with any supporting document, need to be distributed by the applicant as follows:
  - 1 copy for the Building Inspector
  - 1 copy for the President of the Advisory Plan Commission
  - 1 copy for the Surveyor for use by the Drainage Board
  - 3 copies for the Commissioners
  - 1 copy for the Highway Supervisor
  - 1 copy for the Soil & Water Conservation District
  - 5 copies for the Board of Zoning Appeals
  - 1 copy for the Attorney for the BZA
3. You must contact the Surveyor to schedule a Drainage Board hearing in order to have your Drainage Plan approved.
4. You must contact the Highway Supervisor to develop a preliminary Transportation Plan.
5. After the preliminary Transportation Plan is developed, you must contact the Commissioners to schedule a meeting to have the final Transportation Plan approved.
6. After the Drainage Plan is approved and the final Transportation Plan is approved, you must contact the **President of the Advisory Plan Commission** and the **President of the BZA** to arrange a date for the public hearing(s) on your Application(s). When dates are selected, you must cause to be published in Benton Review twice before the hearing date(s) a Notice of Public Hearing (see attached sample Notices), at the applicant's expense. PLEASE NOTE: No hearing will be scheduled until all of the following (where applicable) are obtained:
  - a. An approved Drainage Plan, if applicable;
  - b. An approved Transportation Plan, if applicable;
  - c. A hydrology study of the area surrounding the proposed site of the Conditional Use/Special Exception, which includes data on draw-down

- d. testing, and/or a water use impact study, if applicable;
- e. A permit issued by the Indiana Department of Environmental Management, if applicable; and
- f. An environmental impact study of the proposed Conditional Use/Special Exception, if applicable.

7. After the Notice of Public Hearing before the BZA is given to the Benton Review for publication on each of two (2) successive weeks, you must mail a copy of the Notice of Public Hearing before the BZA to the following people in the manner designated:

- a. By regular mail or email:

The Building Inspector  
The President of the Advisory Plan Commission  
The Surveyor  
The Commissioners  
The Highway Supervisor  
The Soil & Water Conservation District  
The members of the Board of Zoning Appeals  
The Attorney for the BZA

- b. By certified mail, return receipt requested, to all landowners adjacent to the real estate upon which the Conditional Use/Special Exception is to be located, as identified from the tax rolls maintained by the Treasurer.
- c. By certified mail, return receipt requested, to all Remonstrators, or if represented by an attorney, to the attorney representing the Remonstrators.

8. Prior to the hearing before the BZA, the applicant must contact the President of the BZA to determine if the applicant will be required to have a court reporter record the hearing before the BZA. If a court reporter is needed, it shall be the applicant's obligation to contact and employ a court reporter during the pendency of the hearing (i.e., if the hearing continues for several nights, the court reporter may need to attend all nights of the hearing).

9. At the hearing before the BZA, the following exhibits will be admitted into evidence prior to the taking of any testimony:

- a. A complete copy of the Application for Special Exception (the copy furnished to the Attorney for the BZA may be used for this exhibit).
- b. Either a Publisher's Affidavit showing the dates upon which the Notice of Hearing before the BZA was published in the Benton Review, or copies of the editions of the Benton Review where the Notice of Hearing was published.
- c. The green return receipts from the certified mailing of Notices to the adjacent landowners, together with a list of the addresses names and addresses.
- d. A certificate from the Advisory Plan Commission showing whether the APC had a hearing to discuss the Application, and if so, what was the APC's recommendation on the Application (this can be obtained from the President of the Advisory Plan Commission).

10. Following the BZA hearing, in the event of a favorable decision on the Application, the Application and any conditions which the BZA attach to it will be recorded in the Records Office. The applicant shall be responsible for all recording costs.



**Application for Petition  
Benton County Area Plan Commission/Board of Zoning Appeals**

This Application must be submitted with the proper fee as stated in Figure 9 of the Benton County Zoning Code, payable to the Benton County Treasurer, and a copy of the most recent deed to the real estate affected by this Application.

Applicant Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Owner of the real estate which is the subject of this Application: \_\_\_\_\_

Owner(s) Address(es): \_\_\_\_\_

Legal description (from the deed or abstract) if most recent deed not attached: \_\_\_\_\_

Date of Purchase by Present Owner: \_\_\_\_\_ Present Zoning Classification: \_\_\_\_\_ Lot size: \_\_\_\_\_

Nature and size of improvements to be added: \_\_\_\_\_  
(Greatest width, depth and height in feet. Please attach a drawing showing location of improvements to be added to lot. Include yard dimensions, including front, rear and sides.)

Nature, size and location of present improvements: \_\_\_\_\_  
(Greatest width, depth and height in feet. Please attach a drawing showing location of current improvements.. Include yard dimensions, including front, rear and sides.)

Occupancy: Number of families and number of family members in each family: \_\_\_\_\_  
(if any part is in use for a dwelling)

Occupancy: Number of persons employed: \_\_\_\_\_  
(if any part is industrial or business use)

Type of Application: (Check the appropriate response)

- ☐ Request for an appeal from the decision of the Building Inspector
- ☐ Request for a Special Exception, Special Use, Contingent Use, Conditional Use
- ☐ Request for a Variance of Use or Development Standards
- ☐ Request for a Change of Zoning

Please state what you intend to do if Application is granted: \_\_\_\_\_

State reasons supporting the Appeal: \_\_\_\_\_

Present use of the property: \_\_\_\_\_

Described the proposed use of the property: \_\_\_\_\_

Are there any restrictions, laws or covenants governing the real estate which would prohibit its use for the purpose specified in this application? YES NO If yes, attach a copy.

NOTE: If more space is required, please attach additional sheets to this application.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

AFFIDAVIT

(I or We) \_\_\_\_\_ being, duly sworn depose and say that (I or We) (am or are) the (owner[s]), (contract purchaser[s]) of property involved in this application and that the foregoing signatures, statements and answers herein contained, and the information herewith submitted are in all respects true and correct to the best of (my or our) knowledge and belief.

Signed: \_\_\_\_\_

STATE OF INDIANA     )  
                                  )SS:  
COUNTY OF \_\_\_\_\_)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
, Notary Public

My Commission Expires:

Resident of \_\_\_\_\_ County

DO NOT WRITE BELOW THIS SPACE

The foregoing application has been inspected by me and was filed with the office of the Benton County Board of Zoning Appeals in accordance with all the formal requirements and procedures.

If properly advertised by the applicant, the application will be heard in public hearing, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
BZA Secretary

Form Adopted by BZA on August 18, 2017

X:\Civil Forms\Board of Zoning Appeals Forms\BZA Application.form.Benton County.revised 9-7-17.wpd

I, \_\_\_\_\_, Building Commissioner of Benton County, Indiana, having carefully examined this application to determine if the requirements designated I Figure 9 of the application and shall forthwith transmit to the Board of Zoning Appeals this application and all papers constituting the record upon which this application is based, and shall transmit one copy of this application to the Benton County Plan Commission.

Date: \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_  
Building Commissioner, Benton County, Indiana

The Benton County Board of Zoning Appeals has received an application for an Improvement Location Permit for a Special Exception, No. \_\_\_\_\_, in accordance with the requirements of the Zoning Ordinance of the Benton County, Indiana, from the Building Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and hereby determines that said application shall be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the Benton County Courthouse at \_\_\_\_\_ P.M.

Date: \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_  
Board of Zoning Appeals  
Benton County, Indiana

Docket No. \_\_\_\_\_  
\_\_\_\_\_  
Secretary

This is to advise that the Board of Zoning Appeals held a public hearing on an application for an Improvement Location Permit for a Special Exception, Application No. \_\_\_\_\_, in accordance with the requirements of the Zoning Ordinance of Benton County, Indiana, and after due consideration

\_\_\_\_ Approves the application and hereby orders Improvement Location Permit No. \_\_\_\_\_ issued.

\_\_\_\_ Disapproves the application and hereby orders that Improvement Location Permit No. \_\_\_\_\_ not be issued,

\_\_\_\_ Approves the application with following modifications and hereby orders that Improvement Location be issued accordingly.

(List  
modifications) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Return the application to the Building Commission for further study and report.

"I AFFIRM, UNDER THE PENALTIES FOR PERJURY,  
THAT I HAVE TAKEN REASONABLE CARE TO REDACT  
EACH SOCIAL SECURITY NUMBER IN THIS  
DOCUMENT, UNLESS REQUIRED BY LAW."

Board of Zoning Appeals  
Benton County, Indiana

\_\_\_\_\_  
Chairman

NAME: \_\_\_\_\_

\_\_\_\_\_  
Secretary

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Prepared By (Applicant)

# BENTON COUNTY BOARD OF ZONING APPEALS

## BENTON COUNTY, INDIANA

### APPLICATION FOR SPECIAL EXCEPTION COMPLETE DESCRIPTION

Application Number \_\_\_\_\_

Applicant \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

Owner or  
Lessee \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

(Office use only)

Date of Approval

Date Recorded

Date Permit Issued

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### DETAILED DESCRIPTION OF APPROVED SPECIAL EXCEPTION USE

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Glenda Wallpe, Recorder

Recorders Fee \$ \_\_\_\_\_ Receipt # \_\_\_\_\_

**Procedure for Zone Map Change (County Zone Code)**  
(Procedure is described in IC §36-7-4-602(c) and -608)

1. Applicant submits application with fee and map.
2. PC must hold hearing within 60 days of receiving application (§608(b)).
3. Advertise PC hearing one time (IC §5-3-1-2).
4. Applicant must give notice by cert mail to all adjacent landowners at least 10 days prior to PC hearing (§604(c)).
5. PC certifies proposal with favorable, unfavorable or no recommendation within 10 days of PC hearing (§608(b)).
6. Commissioners shall vote within 90 days after certification (§608(e)), however, §608 (f) and (g) say at the first regular meeting after certification, and that the Commissioners shall give notice under IC 5-14-1.5-5 of intention to consider proposal.
7. Advertise Commissioners meeting one time at least 48 hours prior to meeting.
8. If Commissioners adopt proposal to amend zone map (via Ordinance) the Ordinance is effective upon passage.
9. Notify WTH to change zone map if granted.



## NOTICE

The Board of Zoning Appeals requires all applications for Special Exceptions to be on forms provided by BZA. Until this is done any other communications will be treated merely as notice of an intention to make application and will not be docketed.

Applications will receive a Docket Number when all the data required by this form has been filed and will then be placed on the Calendar for hearing at the next regular meeting which is not less than thirty (30) days later than date of filing the application.

A request for rehearing must be filed in writing not later than the next regular meeting after the one at which action was had. Rehearings will not be considered except on basis of new evidence.

Zoning 7 – 3  
Benton County

**Benton County Building Commissioner**

Carl M. Hull  
706 E. 5<sup>th</sup> Street Suite 12  
Fowler, IN. 47944  
Tel: (765) 884-1728 Option 1  
Fax: (765) 884-2072  
[cmservices88@gmail.com](mailto:cmservices88@gmail.com)

**Benton County Auditor – Audrey Freeland**

706 E. 5<sup>th</sup> Street Suite 21  
Fowler, IN. 47944  
Tel: (765) 884-0760  
Fax (765) 884-2075  
[afreeland@bentoncounty.in.gov](mailto:afreeland@bentoncounty.in.gov)

**Soil & Water Conservation District**

Leslie Fisher  
305 E. 1<sup>st</sup> Street  
Fowler, IN. 47944  
Tel: (765) 884-0660  
Fax (765) 884-1030  
[LeslieFisher@in.nacdn.net](mailto:LeslieFisher@in.nacdn.net)

**Benton County Board of Zoning Appeals**

**Member -Jim Lawinger**  
706 E. 5<sup>th</sup> Street  
Fowler, IN. 47944  
[jimlawinger@gmail.com](mailto:jimlawinger@gmail.com)

**Member – Gary Clifton**  
706 E. 5<sup>th</sup> Street  
Fowler, IN. 47944  
[garyclifton46@yahoo.com](mailto:garyclifton46@yahoo.com)

Plan Commission and BZA Attorney  
Brooke Scheurich  
**Attorney at Law**  
[brooke@michaclriley.lawyer](mailto:brooke@michaclriley.lawyer)  
(219) 866-3435

**Benton County Surveyor**

David Fisher  
706 E. 5<sup>th</sup> Street Suite 17  
Fowler, IN. 47944  
Tel: (765) 884-0095  
Fax: (765) 884-2010  
[dfisher@bentoncounty.in.gov](mailto:dfisher@bentoncounty.in.gov)

**Benton County Highway Supervisor**

Mike Budreau  
1101 Lingle St.  
Fowler, In. 47944  
Tel: (765) 884-0420  
Fax: (765) 884-2020  
[mbudreau@bentoncounty.in.gov](mailto:mbudreau@bentoncounty.in.gov)

**Secretary for Plan Commission, and BZA**

Samantha Smith  
706 E 5<sup>th</sup> Street  
Fowler, IN. 47944  
Tel: 884-0095 Fax: (765) 884-2010  
[ssmith@bentoncounty.in.gov](mailto:ssmith@bentoncounty.in.gov)

**Member - Paul Schutter**

706 E. 5<sup>th</sup> Street  
Fowler, IN. 47944

[schutterconsstruction@gmail.com](mailto:schutterconsstruction@gmail.com)

**Member - Erin Meredith**

706 E. 5<sup>th</sup> Street  
Fowler, IN. 47944

[meredith.e@sbcglobal.net](mailto:meredith.e@sbcglobal.net)

**Member – Tom Suitor**

706 E. 5<sup>th</sup> Street  
Fowler, IN. 47944

[tsuiter@ffni.com](mailto:tsuiter@ffni.com)

**Purdue Extension Representative –**

Jon Charlesworth  
[charles6@purdue.edu](mailto:charles6@purdue.edu)

Extension Educator  
410 S. Adeway Suite A, Fowler, IN.  
765-884-0140 ext.2  
765-761-84488 mobile/text

**Economic Development Coordinator**

Paul Jackson  
706 E. 5<sup>th</sup> Street  
Fowler, IN. 47944  
Phone: (765) 884-2080 Fax: (765) 884-2087  
[pjackson@bentoncounty.in.gov](mailto:pjackson@bentoncounty.in.gov)

**County Commissioners**

Bryan Berry  
706 E. 5<sup>th</sup> Street  
Fowler, In. 47944  
[d3c@berryfarms@gmail.com](mailto:d3c@berryfarms@gmail.com)

Steve Cox  
706 E. 5<sup>th</sup> Street  
Fowler, IN. 47944  
[coxsteven@gmail.com](mailto:coxsteven@gmail.com)

President - Mike Freeland  
706 E. 5<sup>th</sup> Street  
Fowler, IN. 47944  
[mikefreeland@bentoncounty.in.gov](mailto:mikefreeland@bentoncounty.in.gov)

**Revised 01/27/2021**